

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:09-CR-214

v.

HON. ROBERT HOLMES BELL

CORTEZ CHARVEZ BOLES,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #38). The Probation Department's Report of Eligibility indicated the defendant appeared to be ineligible for consideration of modification of sentence (docket #40). Defendant has filed objections to the report (docket ##47 and 48).

Defendant was sentenced as a career offender pursuant to U.S.S.G. §4B1.1 at the time of sentencing on December 17, 2009. As such, defendant is ineligible to receive a reduction of sentence.

ACCORDINGLY, defendant's motion for modification or reduction of sentence (docket #38) is **DENIED**.

Date: October 4, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE